

TO: Judge Gregory M. Sleet
RE: Civil Action No.: 06-646 / TRO - Preliminary Injunction

Dear Judge Sleet:

I have submitted the enclosed documents / papers, marked 06-646-TRO / Preliminary Injunction, for the Court's consideration and further support of these actions before you. As of August 11, 2007, (yesterday) I have been in administrative detention for 24 months - approximately 730 days without my due process requirements of our Fourteenth Amendment. Further, in re administrative segregation hearings, my procedural safeguards that I am entitled to pursuant to the State of Delaware, Bureau of Prison's Procedure Manual, Procedure Number: 4.2, Chapter 4 Decision Making Relating to Offenders and Related ACA Standards: 29, Rules of Conduct, have not, and were not afforded to me. The Supreme Court, in Hewitt v. Helms, states that the safeguards I ~~am~~ am entitled to are: (1) some notice of the charges against me, (2) an opportunity to present my views orally or in writing to the prison officer charged with deciding whether or not to transfer me to administrative segregation, (3) an informal proceeding held within a reasonable time following my transfer, and (4) periodic review of my charges by my decision maker. These are the minimum procedural requirements that I have not had in the alleged "staff assault" Delaware Correctional Center and Delaware Department of Corrections and the named defendants have used to keep me in isolation for approx. 730 days, and counting.



Respectfully submitted,
Charles F. Cardone
SBI #098159-DCC prison

E₁ - 3 copies

C.A. # 06-646-GMS/TRO — Exhibit R

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DELAWARE 19947
TELEPHONE (302) 856-5257

May 16, 2007

Charles F. Cardone
SBI# 00098159
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977


Re: Def. ID# 0409005091A

Dear Mr. Cardone:

The Court is in receipt of your Motion for Sentence Modification requesting an Evidentiary Hearing filed May 15, 2007. Pursuant to the provisions of *11 Del. C. § 4217*, "The Court may modify a sentence solely on the basis of an application filed by the Department of Correction...". To date, no such application has been received.

For the reasons outlined in my previous correspondence, your request for modification of sentence remains denied. IT IS SO ORDERED.

Very truly yours,


T. Henley Graves

THG:tl

cc: Prothonotary's Office
Department of Justice

DCC Delaware Correctional Center

Date: 06/05/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

C.A. # 06-646-GMS

Exhibit 5

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : CARDONE, CHARLES F SBI# : 00098159 Institution : DCC
 Grievance # : 44080 Grievance Date : 05/22/2006 Category : Individual
 Status : Unresolved Resolution Status : Resol. Date :
 Grievance Type: Counselors Incident Date : 04/11/2006 Incident Time :
 IGC : Merson, Lise M Housing Location : Bldg 17, Upper, Tier C, Cell 4, Single - *still*

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: Since 4/11/06 I have sent several in-house requests to Counselor Johnson for information. She has not answered any of my requests as of May 22, 2006. In May, June and July of 2005 in the P/T bldg where I was housed and she was the counselor, she refused to answer any of my requests also.

Remedy Requested : Response to my inquiries.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO Date Received by Medical Unit :
 Investigation Sent : Investigation Sent To : Hosterman, Ron
 Grievance Amount :

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 06/05/2006

INFORMAL RESOLUTION**OFFENDER GRIEVANCE INFORMATION**

Offender Name : CARDONE, CHARLES F	SBI# : 00098159	Institution : DCC
Grievance # : 44080	Grievance Date : 05/22/2006	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Counselors	Incident Date : 04/11/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 17, Upper, Tier C, Cell 4, Single - SHU	

INFORMAL RESOLUTION**Investigator Name** : Hosterman, Ron**Date of Report** 06/05/2006**Investigation Report** :**Reason for Referring:****Offender's Signature:** _____**Date** : _____**Witness (Officer)** : _____

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 10/19/2006

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : CARDONE, CHARLES F	SBI# : 00098159	Institution : DCC
Grievance # : 44080	Grievance Date : 05/22/2006	Category : Individual
Status : <u>Non Grievable</u>	Resolution Status :	Resol. Date :
Grievance Type: Counselors	Incident Date : 04/11/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 21, Lower, Tier A, Cell 5, Top - <i>SHU</i>	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: Since 4/11/06 I have sent several in-house requests to Counselor Johnson for information. She has not answered any of my requests as of May 22, 2006. In May, June and July of 2005 in the P/T bldg where I was housed and she was the counselor, she refused to answer any of my requests also.

Remedy Requested : Response to my inquiries.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Hosterman, Ron
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 10/19/2006

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : CARDONE, CHARLES F	SBI# : 00098159	Institution : DCC
Grievance # : 44080	Grievance Date : 05/22/2006	Category : Individual
Status : Non Grievable	Resolution Status:	Inmate Status :
Grievance Type: Counselors	Incident Date : 04/11/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 21, Lower, Tier A, Cell 5, Top	- SHU

INFORMAL RESOLUTION

Investigator Name : Hosterman, Ron

Date of Report 06/05/2006

Investigation Report : There is neither a record of requests by Cardone to Counselor Johnson, nor a record of any correspondence to him by her. However, he has had ongoing correspondence with other staff (Counselor Simms and Counselor Schrader), including phone sheets and classification in the various areas he has been assigned. Counselor Johnson left DCC early in July. RGH

Reason for Referring:

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 10/19/2006

GRIEVANCE INFORMATION - IGC

OFFENDER GRIEVANCE INFORMATION

Offender Name : CARDONE, CHARLES F	SBI# : 00098159	Institution : DCC
Grievance # : 44080	Grievance Date : 05/22/2006	Category : Individual
Status : <u>Non Grievable</u>	Resolution Status :	Inmate Status :
Grievance Type: Counselors	Incident Date : 04/11/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 21, Lower, Tier A, Cell 5, Top	

IGC

Medical Provider:

Date Assigned

Comments:

Hearing held 10/19/2006:

No hearing 11/12/07

I/M is requesting information on amount of points assigned. I/m advised to Ms. Jackson, this grievance is a classification issue. This was not evident from the wording of grievance.

☐ Forward to MGC☐ Warden Notified☒ Forward to RGC

Date Forwarded to RGC/MGC : 08/31/2006

☒ Offender Signature Captured

Date Offender Signed :

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 10/19/2006

GRIEVANCE INFORMATION - RGC**OFFENDER GRIEVANCE INFORMATION**

Offender Name : CARDONE, CHARLES F	SBI# : 00098159	Institution : DCC
Grievance # : 44080	Grievance Date : 05/22/2006	Category : Individual
Status : Non Grievable	Resolution Status :	Inmate Status :
Grievance Type: Counselors	Incident Date : 04/11/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 21, Lower, Tier A, Cell 5, Top	

RGC**Date Received :** 08/31/2006**Date of Recommendation:****GRIEVANCE COMMITTEE MEMBERS**

Person Type	SBI #	Name	Vote
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VOTE COUNT**Uphold :****Deny :****Abstain :****TIE BREAKER**

Person Type	SBI #	Name	Vote
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RECOMMENDATION

TO: Counselor Aiello Exhibit 1 June 6, 2007
From: Cardone, Charles 18BL12 B- Hooper

C.A. #06-646-GMS

Rick Kearney

~~Paul W Howard~~, Chief, Bureau of Prisons, Delaware:

The following is my "in house" note to the above counselor: Your statement "your classification will remain max security because of a staff assault on 5/31/05. there is a 2 year mandatory map placement which means it will come off in May of 2007," in your 12/21/06 note to me... has my map placement come off, as you state? To attend my court-ordered Greentree Program, I must sign off Protective Custody status, is that correct? At the date of this writing, I am informing you and Paul Howard, Chief, Bureau of Prisons, Delaware, I am seeking administrative review of DOC's staff assault charge which, as you state above is subjecting me to "a 2 year mandatory map placement. Pursuant to: State of Delaware Bureau of Prisons Procedure Manual Chapter 4 DOC Policy 4.2, V. Procedure... I am requesting an administrative review because I have not been given (shown) any entitlements as outlined in V. Procedure. Lastly, notify me of my date of eligibility to attend Greentree Program.

Charles F. Cardone
SBI # 098159

CC - Comm. Danberg

* 06-646-GMS - TRO / Preliminary Injunction *

C.A. 06-646-GMS-TRO/Prelim Injunction Exhibit U



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
245 McKEE ROAD
DOVER, DE 19904

Carl C. Danberg
Commissioner

(302) 739-5601
Fax: (302) 739-8221

June 19, 2007

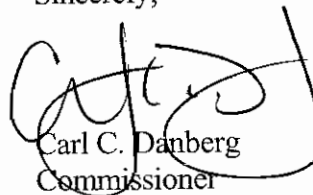
Charles Cardone
SBI# 098159
DCC Unit 18-B-12
1181 Paddock Road
Smyrna, DE 19977

Dear Mr. Cardone,

I am in receipt of your letter of May 8th. — *Exhibit N of my 6-14-07 TRO/Prel Injunct.*

I have forwarded your request to the Bureau of Prisons to handle.

Sincerely,


Carl C. Danberg
Commissioner

Cc: Rick Kearney, BOP
Tom Carroll, Warden
T# 237

CCD:imd

*4 copies
etc
6-24-07*

6/22/2007

To: Cardone, Charles 18BL12

SBI# 098159

From: Counselor Aiello

* Cat - 3
~~Page 4 of 5~~
Pg 5 of 8

As of now you are clear of the staff assault as of 5/31/07. I have spoken with my supervisor and she said to put you in for the Greentree program at SCI which is a 6 month program rather than an 18 month program. You will have to sign off protective custody in order to take part in the program. If you are willing to sign off PC I will classify you next month to the program.

CC Rick Kearney, BOP
Commissioner Danberg
DE District Ct.

Charles F. Cardone
July 23, 2007
Received

2
Dear Mr. Kearney:

Various agents of Delaware Department of Corrections, at Delaware Correctional Center, where I have been housed since May 23, 2005, have notified me that their ~~reason~~ reason for classifying me to my present Maximum Security Status is for a "staff assault" which allegedly occurred in May of 2005, ~~and~~ I am to remain at this status until August of 2007.

Therefore, I am requesting you to administratively re-view my classification ~~and~~ I am notifying you of my attempts to prevail on three claims which are highly significant: 1. Society expects me to be treated humanely ~~and~~ 2. I am to be provided with a fair disciplinary process when charges are brought against me arising out of alleged misconduct while incarcerated, ~~and~~ 3. to be free from false accusations by prison staff.

Expectantly, Commissioner Danberg has forwarded my request to him, to you, pursuant to his June 19, 2007, letter to me.

Sincerely,

Charles F. Cardone - SBT # 098159

CC: Commissioner Danberg
Tom Carroll, Warden

4 Copies
CFC
6-24-07



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
OFFICE OF THE DEPUTY WARDEN
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977
Telephone: (302) 653-9261
Fax: (302) 659-6667

MEMORANDUM

TO: Inmate Charles F. Cardone SBI# 00098159 Unit 18
FROM: Deputy Warden Burris *Burris*
DATE: July 03, 2007
RE: Inmate letter

Your letter dated April 26, 2007, is being forwarded to Treatment Administrator Hosterman for investigation and response to you.

Cc: Treatment Administrator Hosterman



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
BUREAU OF PRISONS
245 MCKEE ROAD
DOVER, DELAWARE 19904
Telephone: (302) 739-5601
Fax: (302) 739-8221

* Cat- 1-
Page 2 of 5
Pg 3 of 8

MEMORANDUM

TO: Inmate Charles Cardone
DCC, SBI #098159

FROM: Richard A. Kearney *R.K.*
Bureau Chief of Prisons

DATE: July 12, 2007

RE: **Correspondence of June 24, 2007**

In response to your letter dated June 24, 2007, you have received due process in both disciplinary and classification proceedings. You appear to be appropriately housed.

RAK/csd

Cc: Warden Tom Carroll, DCC
File

Charles F. Cardone
July 23, 2007
Received

TO: Commissioner Danberg, DCC-DE

[Very urgent]

July 26, 2007

RE: Richard A. Kearney
Bureau Chief of Prisons

* C.A. #06-646-GMS-TRD Prelim Injun *

* Pg 2 of 8 *

* I sent this to
Danberg on Aug. 7,
2007 by pay to...

cfe

8-7-07

Dear Mr. Danberg, Exhibit Z

For your consideration I am enclosing Chief

Kearney's July 12, 2007 Memo to me, and, I am also enclosing for your consideration my (a copy) June 6, 07, letter to Mr. Kearney. Mr. Kearney's July 12, 2007 memo to me is his response to my June 6, 07, request to him.

I wish to appeal his response. I am advising you that as of August 11, 2005, I have been wrongfully squirreled away in SHU/MHU for a "staff assault" that never took place and I have not been ~~be~~ shown any of my stated entitlements, as outlined in State of Delaware Bureau of Prisons Procedure Manual Procedure Number: 4.2, Related ACA Standards, Rules of Conduct in re the above "staff assault". At this time, via this letter, I am requesting your intervention, and correction, of Chief Kearney's un-informed and erroneous July 12, 2007 memo to me and / or at the very least, provide me with copies of any/all paperwork associated with the above "staff assault" ~~that~~ that has been used by your DOC to place me in the SHU until August/07.

Thank you,
Charles F. Cardone

#098159
SBI

1/M Charles F. Cardone
SB# 098159 UNIT 18-B-1-12
DELAWARE CORRECTIONAL CENTER
14 PADDOCK ROAD
YRNA, DELAWARE 19977

Legal
Mail
* Clerk *

Attn:
Judge Sleet

U.S. District Court
844 N. King St.,
Lockbox 18
Wilmington DE
19801

Pay-mia

1580183519 0012

1580183519 0012

